

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 1:04-CR-213 CAS
v.)	
)	
EDDIE TAYLOR, JR.,)	
)	
Defendant.)	

ORDER

This matter is before the Court on various pretrial matters. Pursuant to 28 U.S.C. § 636(b), this Court, the Honorable Jean C. Hamilton presiding, referred all pretrial matters to United States Magistrate Judge Lewis M. Blanton. The case was transferred to the undersigned on April 28, 2005.

Procedural Background.

On December 16, 2004, the grand jury indicted the defendant charging two counts: Count I–Distribution of Cocaine on September 8, 2004, and Count II–Attempt to Manufacture Five Grams or More of Methamphetamine on December 7, 2004.

On March 10, 2005, a Superseding Indictment was filed containing Counts I and II from the original indictment and charging two more counts. Count I of the original indictment remained Count I of the Superseding Indictment. Count II of the Superseding Indictment charges the Possession of Pseudoephedrine on December 7, 2004, with Intent to Manufacture Methamphetamine. Count II of the original indictment became Count III of the Superseding Indictment, except that the quantity of methamphetamine attempted to be manufactured was increased to fifty grams or more instead of five

grams or more. Count IV of the Superseding Indictment charges defendant with being a felon in possession of ammunition on December 7, 2004.

Discussion.

On March 23, 2005, Judge Blanton filed a Report and Recommendation which stated that defendant's Motion to Suppress Physical Evidence and Motion to Suppress the Contents of Any Electronic Surveillance had been withdrawn, and recommended that defendant's Motion for Relief from Prejudicial Joinder, which related to Counts I and II of the original indictment, be denied. Defendant filed objections to the Report and Recommendation.

On April 28, 2005, Judge Blanton filed a second Report and Recommendation of United States Magistrate Judge which recommended that defendant's Motion for Transfer of Venue and Motion for Relief from Prejudicial Joinder, the latter of which relates to Counts II and IV of the Superseding Indictment, be denied. Defendant has filed objections to the second Report and Recommendation only with respect to the motion for relief from prejudicial joinder.

Defendant reiterates the assertions contained in his motions for relief from prejudicial joinder. Defendant asserts that the charge for distribution of cocaine in September 2004 and the charge for attempting to manufacture methamphetamine in December 2004 are not of the same or similar character and are completely unrelated from each other factually, and there is no overlap of evidence between these counts as they involve different times, different places and different witnesses. Defendant also asserts that the charge of felon in possession of ammunition in Count IV is completely unrelated to any of the other counts. Defendant seeks separate trials on (1) Count I, (2) Counts II and III, and (3) Count IV, as he contends he will be prejudiced if the jury is allowed to hear evidence of unrelated crimes.

The Court has carefully and independently reviewed the full record, and has listened to a tape of the hearing held in this matter on February 23, 2005. The Court is in full agreement with the stated rationale of the Magistrate Judge's recommendations, and will adopt the same.

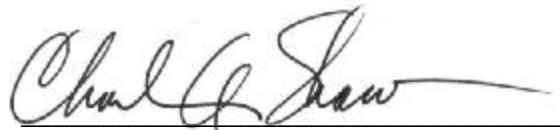
Accordingly, after a de novo review,

IT IS HEREBY ORDERED that the objections of defendant Eddie Taylor, Jr. are overruled.

IT IS FURTHER ORDERED that the Reports and Recommendations of United States Magistrate Judge are **sustained, adopted and incorporated** herein. [Doc. 56, 63]

IT IS FURTHER ORDERED that defendant's Motions for Relief from Prejudicial Joinder are **DENIED**. [Doc. 42, 43, 58]

IT IS FURTHER ORDERED that defendant's Motion to Change Venue or Transfer Case is **DENIED** without prejudice. [Doc. 57]

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 31st day of May, 2005.